

## MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

12 April 2004

**PRESENT:** Cynthia A. Herman, Chairman  
Gary Daniels, Vice Chairman  
Noreen A. O'Connell, Member  
Len Mannino, Member  
Lawrence D. Pickett, Member  
Katherine E.L. Chambers, Town Administrator  
Darlene J. Bouffard, Recording Secretary

**1.CALL TO ORDER:** Chairman Herman called the meeting to order at 5:30 p.m.

**2.MINUTES:** The final minutes of March 30, 2004 were presented to Chairman Herman for approval. Vice Chairman Daniels moved to approve the minutes of March 30, 2004. Selectman O'Connell seconded. All were in favor. The final minutes of the March 22, 2004 meeting were presented to Chairman Herman for review. Chairman Herman noted to Town Administrator Chambers that the handwritten notations made to the minutes have been cut off on the copies and cannot be read. Chairman Herman asked that the March 22 and March 29 minutes be reviewed at the next Board of Selectman meeting. Vice Chairman Daniels moved that the minutes of March 22 and March 29, 2004 be tabled to the next Board of Selectman meeting. Selectman O'Connell seconded. All were in favor. The final minutes of March 31, 2004 were presented to Chairman Herman for approval. Chairman Herman asked that the title state "March 31" instead of "Month 31". Selectman O'Connell moved to approve the minutes of March 31, 2004. Vice Chairman Daniels seconded. All were in favor.

### 3. REPORTS OF BOARDS & SPECIAL COMMITTEES:

**-Board of Selectman Goals.** Chairman Herman reviewed the list of Board of Selectman goals, which are attached and made a part of these minutes, and suggested the Board prioritize the list. This list will be finalized at the next Board of Selectman meeting.

**-Conservation Commission.** There is nothing new to report.

**-DO-IT Committee.** There is nothing new to report.

**-Facilities Committee.** There is nothing new to report.

**-Heritage Commission.** There is nothing new to report.

**-Impact Fee Committee.** There is nothing new to report.

**-MACC Base.** There is nothing new to report.

**-MIDC.** There is nothing new to report.

**-NRPC Update.** There is nothing new to report.

**-Personnel Committee.** There is nothing new to report.

**-Planning Board.** There is nothing new to report.

**-Recreation Commission.** There is nothing new to report.

**-Recycling Committee.** There is nothing new to report.

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**-Regional Water District.** Bedford has provided some suggestions regarding how surplus is distributed in the charter, but changing to the suggested method is a huge negative for Milford. It will be revenue based instead of customer based - Milford would get counted as only one customer. Chairman Herman said the final meeting is on April 29. The Nashua Aldermen are coming in with their final changes. The charter is available on line and the latest draft can be looked at. A public hearing will need to be set for the Town to discuss the charter and whether or not Milford wants to join the District. Chairman Herman believes the surplus account issue was taken out. Because Nashua filed for eminent domain, there is going to be a window of time for interveners. If we are objecting to Nashua's eminent domain, we need to know the timelines - Town Administrator Chambers said she has filed for intervener status with the PUC. Chairman Herman said if there are any questions or concerns to get them to her or Selectman O'Connell for the meeting.

**-School Board.** There is nothing new to report.

**-Solid Waste Committee.** There is nothing new to report.

**-Zoning Board.** There is nothing new to report.

There were no other reports for this evening.

### 4. APPOINTMENTS:

**6:00 p.m. - Compost Marketing Agreement.** Larry Anderson Superintendent of Water and Wastewater provided a compost marketing agreement from Agresource for Board of Selectman review. This agreement is for the removal of biosolids. Chairman Herman suggested that the agreement state Agresource will haul away the total amount of solids, but that will also be given to Town residents - that should be re-worded. Chairman Herman asked about the testing and if that will be done at their facility? Larry Anderson responded that everything that is done now is done for the State anyway, there are some things the State does not require. The additional testing in the contract is done on their time and at their facility. Vice Chairman Daniels does not feel the contract should state that they are the sole sales agent - can that language be changed? Tim Gould of Agresource arrived and addressed this question by stating that the intent is to say that the Town cannot work with another sales agent. Vice Chairman Daniels would like to keep other options open. Tim Gould said Agresource views itself as working on the Town's behalf to get the best price for the compost. If someone else was working to do the same thing for Milford, the two would be stepping on each other's toes. As far as the community use of the material, the company does not want to control that and it is in the best interest of the Town to handle that. Selectman Mannino asked if Agresource is a publicly traded company and where are the offices? Tim Gould said it is not publicly traded and they are out of Leominster. They have other customers in New Hampshire (Merrimack and Plymouth). Ipswich Massachusetts is the largest producer of materials. Selectman Pickett asked if Milford has adequate storage capacity to go two more weeks on this. Mr. Anderson said he could wait. Tim Gould said once the verbiage is worked out and this is accepted, they can move fast to take some material. Vice Chairman Daniels moved to table to the next meeting to work out verbiage. Selectman Pickett seconded. All were in favor.

**6:15 p.m. - Consideration of a Vietnam Memorial.** Carl Silva and Ken Roberts wanted to discuss briefly the idea of erecting a monument or memorial for those who served in the Vietnam War. When a family member goes away to war, the remaining family often wonders if the person who served will be remembered in some way. Thirty years have gone by since the Vietnam War and the Town lost some people. As the Commander of the VFW, Mr. Silva has been asked to express to the Town the interest in some sort of remembrance for the veterans. He is taking this first step to see how the Board of Selectman feels this should proceed. The Vietnam War and other wars since then always have opinions of people who do not agree with the reasons for the war but for the people who go it was not a choice politically, they just went and did what they were asked to do by the country. Mr. Silva is seeking guidance as to how to proceed with this. In Milford, there is a monument for WW I and WWII and the Korean War. Vice Chairman Daniels asked where the monument is being proposed. Mr. Silva said the current monuments are scattered around Town. It is difficult because there have been two more conflicts since Vietnam. Mr. Silva is looking for some advice as to where to go. Selectman O'Connell is concerned that there has been some talk about turning the Fletcher site into a parking lot and feels that would be a perfect spot for a memorial - maybe that is a place that we could have a Vietnam memorial but extend it to other memorials as well. It cannot be used for anything else. Once the site is cleaned up it might be an idea. Mr. Silva asked what the timeframe on cleaning up that area is. Town Administrator Chambers responded it is still a long time away. Under the clean up conditions, it was agreed by all parties that a parking

lot would be put there. There needs to be an impervious cap in place but that will be several years in the future - they are just now doing testing to decide how to clean it up. Ken Roberts would be concerned about putting any monument there because there is the chance that eventually it may need to be moved because it is a contaminated site. Unfortunately, said Mr. Silva, a lot of people affected by this are beginning to pass away. Vice Chairman Daniels asked if there are any other appropriate sites for a monument. Carl Silva looked at all the sites and on West Street there is a lot of room, but he is unsure that people would concur that it should go there. Vice Chairman Daniels feels if there is a site closer to the oval, people could visit it and it would be in close proximity to the other monuments visited during parades. Carl Silva added that there have been two wars since Vietnam and people are asking about commemorating those as well. Selectman Pickett supports this idea. Chairman Herman suggested coming up with a plan and the Board of Selectman will work with them. Vice Chairman Daniels offered that the VFW may want to think about having a Freedom Monument and having a section that could be added on for different conflicts - it could be something to recognize the different wars. Carl Silva noted that the parade on Labor Day will be under the theme of "United We Stand" and it will be a wonderful occasion.

**6:30 p.m. - Growth Management Update with the Planning Board.** Bill Parker, Planning Director, and Planning Board members Dick D'Amato and Jim Dannis were in attendance to discuss growth management. There are six points that have been developed that the Planning Board would like to move toward and have requested the Board of Selectman to review and provide input. Selectman O'Connell noted that previous Boards have pushed for growth management and before the Planning Board goes too far, does this Board of Selectman have any specific direction they should move in? Chairman Herman feels until now the Town has been very reasonable, but now we are paying the price. Jim Dannis said the group is putting concrete ideas on paper and attaching a timetable. This group is committed to having a reasonable proposal in place for the Board of Selectman to consider this summer. If there is something that needs to be done for next year's warrant, we need to start now. What are towns around Milford doing? Four of the towns that about Milford have growth management in place - Brookline, Hollis, Lyndeborough and Wilton have it in place. If we don't face it we may end up getting more developments. The Board is thinking of regional impacts, looking at what the surrounding communities are doing and trying to be fair. Dick D'Amato has seen Milford grow a lot and has not seen the quality of life change a lot. In the Wall Street Journal recently it showed that NH is 49th in the country in the amount of taxes we pay. We have a lot of people in Town who are contractors and they get affected by growth management. We make sure we take people from all incomes - the little guy needs to live somewhere, young people need to be able to live here. We need to be careful in how we impose any growth management. Vice Chairman Daniels asked if the comments from the NH Housing Authority's presentation to the NRPC were taken into consideration. Bill Parker indicated they were looked at. Vice Chairman Daniels asked if our growth management program was supposed to compete with the growth management program of the other towns. Jim Dannis said that is open for discussion. We don't want to make the Town different from the way it is now. We want to be able to phase developments so that the number of houses does not shock the system. We want to plan facilities responsibly. Vice Chairman Daniels suggested making sure that people have a right to use their property the way they want to use it. Bill Parker pointed out that the rate of growth needs to be improved so that the Town can plan for the increase for the schools or other facilities.

Selectman Mannino asked where open space falls in this plan? The Planning Board has not taken a position on that yet, said Bill Parker. The pieces that could be considered very developable may be looked at to be protected as open space. If this will be a set of guidelines, asked Selectman Mannino, how will open space be handled, is it a priority? Jim Dannis responded that the Planning Board does not have a position or a budget. What growth management does is that it does not tell anyone that they cannot develop their land if they choose. It just provides language that a certain number of lots can be developed in a certain timeframe. It gives the Town time to consider open space and to raise the money to purchase it if it is available. Selectman Mannino asked if the land available for development is done with a lottery system. Jim Dannis said it is, if there are 100 permits and 200 applicants, it is a lottery. Selectman O'Connell indicated there are towns in New England that are facing the same things. Let's not re-create the wheel - there is language available in ordinances in other towns and we can pick out the portions that are appropriate for Milford. Selectman Pickett suggested there is no one solution for growth management; each has its own issues. Bill Parker said the build out analysis needs to be completed. The scope of what the Town needs has to be finalized. A cost estimate from another consultant is needed to do the survey study. The Planning Board wants to get something for the Town to think about by this summer. Chairman Herman noted that one of the Board of Selectman goals for this year is communication and this topic of growth management seems to be popular - will the minutes include enough information so that the data could be sent to the townspeople to get the word out? The process the Facilities Committee went through with all the details was made very available for people to look at. Bill Parker feels that could be done through the Planning Board web page to get the word out. Chairman Herman asked how much funding

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the Planning Board will be looking for. Bill Parker does not have any specifics now, but if a consultant is needed, he will work with Town Administrator Chambers and bring it before the Board of Selectman.

**7:00 p.m. - Government Study Committee.** Paul Bagley, Chairman of the Government Study Committee, expressed that the Board of Selectman has gone from 3 members to 5 members, and asked if there is a plan to have more members at some point? Chairman Herman said there is no plan for that. Paul Bagley said the discussions with the committee have focused on 9 forms of government available to the Town. A Town Manager form of government has been provided tonight for Board of Selectman and Town Administrator review before the committee spends too much time on it. Chairman Herman indicated anything would be an improvement over the way it is done now. It would be nice to be able to delegate duties. Mr. Bagley noted that the ability to sign and execute documents can be done with a Town Manager. George Carvill from the Government Study Committee joined the discussion. Paul Bagley explained that any change to the form of government currently used will require a charter; what the Town Manager would do would be included in the charter.

The nature of a Town Administrator is that the position reports to different boards after each election, a Town Manager would not be like that. The Town Manager would have a lot of power and control but still has to answer to the Board of Selectman. Selectman Pickett indicated he is amazed at the amount of housekeeping issues that the Board of Selectman need to handle which keep them from spending time on the big decisions. Paul Bagley responded that with a Town Manager, some of the involvement of the Board of Selectman would be diminished. Paul Bagley suggested that the size of the Board of Selectman or the School Board (if it were bigger) will not shrink the work load of its members. Chairman Herman said a Town Manager would have some tasks delegated by statute and would report to the Board of Selectman. Paul Bagley asked if the budget process should be a part of the elected process or an appointed committee. The Government Study Committee is looking at the Town with a new set of eyes and its members do not claim to be municipal or efficiency experts. The Committee is looking at tweaking SB2 (official ballot referendum voting). Maybe it will become more than just a yes or no at Town Meeting. The committee may come in with an idea, but not necessarily just one recommendation. Mr. Bagley is getting the sense that the Board is not sure if a Town Manager would be better. Chairman Herman indicated if there is a way to improve what we have now, the Board of Selectman and the residents will consider it. This works now and will continue but if the Town increases in population, will this form of Government be fine? If the Town goes to 30,000 people will we need to change the form of Government?

Paul Bagley asked the Board of Selectman if the Committee should look 5 years out or 20 years out. Chairman Herman said that NRPC projects that the Town will grow another 4,000 residents in 20 years, which does not seem to be a huge impact. George Carvill was recently talking with someone in Merrimack and they are talking about whether to make a charter or not. They have about 22,000 people. His feeling is that it is way too late to make the changes that should have been done a long time ago. Salem is still considered a town and is run under the same type of government as Milford, said Mr. Bagley. George Carvill added that elected boards do not necessarily like to take theoretical positions, but he would like to get a sense from members on an issue that he will not hold them to. Does this Board feel a Town Manager is desirable or undesirable? Chairman Herman does not feel one way or another about it. Selectman O'Connell does not know enough about other forms of Government and hopes the Committee will educate the Board of Selectman on them. There are so many forms of government that she does not know about. Her gut is we may be able to do some things better and if we can find that it would be great! Vice Chairman Daniels felt that consideration of adopting the Municipal Budget Act should be considered before deciding whether or not we should have a Town Manager. Selectman Mannino concurred with Vice Chairman Daniels. Selectman Pickett said he was interested in a Town Manager taking care of more of the everyday housekeeping, but that the important matters should be handled by elected officials. Paul Bagley then asked about the Water & Sewer Village District and will there be a new mission statement? Chairman Herman said that would be done for the next meeting.

**7:30 p.m. - Keyes Field Rental Fees.** Dave Parker, Souhegan Valley Boys & Girls Club Director, and Bill McKinney, MCAA President, attended this meeting to discuss field rental fees. Dave Parker received a bill from the Town for \$900 for the use of Adams Field. Mr. Parker understands that he needs to pay for the field use and that the Recreation Department needs to raise money to become self sufficient, however, for an organization that tries to reach the kids and keep the fees low, it doesn't seem right - it costs more to run certain programs than what he collects. Now, Dave Parker has a large field use bill to pay. The \$900 was a big shock, he did not expect that much. Since the bill was received, Mr. Parker has been having the kids play on the pavement at Ames because they cannot afford to pay for that field rental, but that causes a safety issue. There should be some kind of sliding fee scale so that when the rental is for non-profit organizations that are using the space, they can afford the bill.

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The Torch Club (run out of the SVBGC) donates a considerable amount of money and service time to the local SHARE program and other worthwhile organizations. There was a request made for use of Keyes Field to host an Easter egg hunt for children (for free) and they were told that it would cost \$20 for the use of the field for 2 hours - that broke the camel's back and Dave Parker did not do it. Chairman Herman does not understand where the misunderstanding regarding these fees happened. At the last Board of Selectman meeting, it was confirmed that the Recreation Director has the authority to negotiate with Milford organizations for the fees to be traded for in-kind services. Chairman Herman said she is perplexed at this moment that there was a \$900 fee. Dave Parker responded that the \$900 fee is for the use of the field for the entire season. The SVBGC got into lacrosse for the Town because there was none and the club picked up the cost of the portable toilet at the field and the nets to get the program going - those nets are used by the Town for other programs run by the Recreation Department, which is fine, but that could be taken into consideration. Dave Parker was told by Kevin Tyska that he could take \$100 off the \$900 bill for the use of the nets by the Recreation Department. Chairman Herman indicated the Recreation Department Director has been told he can negotiate for in-kind services. Dave Parker said he knew there would be fees for the fields and he signed the contract for the use of the field during the summer, but his budget for this year was in place before the fees increase was implemented.

Vice Chairman Daniels asked what it would cost under the old fee schedule for the use of the fields. Dave Parker said it cost nothing, except for the cost of the portable toilets. Selectman O'Connell would like to see people who use town facilities, such as the fields, involved in the Recreation Commission. There are regular meetings set up every month. When we are facing trying to finance some things, the Recreation Commission does not have the information. The next meeting is April 14 and the Recreation Commission will establish a regular meeting date. Anybody who uses the facilities should at least attend the meetings - we need to get the information out and discuss it. Selectman Mannino indicated the Recreation Director is doing exactly what the Board of Selectman asked him to do. But, said Selectman Pickett, when programs have already been set up and budgeted, how can we expect them to be able to pay additional fees because we just increased the fees on them. Tim Finan, Recreation Commission, read the minutes of the last Board of Selectman meeting and understood that the Recreation Director had the discretion to negotiate but there were no specifics, on how to handle the fee abatements. How the in-kind services can be applied is at the discretion of the Recreation Director. Mr. Finan feels this needs to be something directed from the Board of Selectman. Town Administrator Chambers spoke with Kevin Tyska about logistical details and they put together several operational parameters so that Kevin can put a value on the services and people would need to commit to the services and have a date to have the services complete. If it is not complete the fees will be billed. Tim Finan understands that but that is beyond what the Board of Selectman stated. Chairman Herman said there were parameters included in the direction and they were in-kind services that had to be valued. Chairman Herman suggested that the services provided by the SVBGC to the Town be laid out so Kevin can set a value to offset the fees. Dave Parker feels what should have been done was a phone call from Kevin to Dave to discuss the trade-offs in order to make it equitable for everyone. It was a shock when Kevin delivered the bill. Dave indicated before the bill was delivered, the value of in-kind services should have been discussed and reduced the bill by that amount. Selectman Pickett asked if it would be feasible to have a fee schedule to give to customers stating what the in-kind donations would be worth? Selectman O'Connell would like to sit down with the Recreation Commission and discuss the whole thing - this has to get resolved. There is a big communication gap here. Chairman Herman believes the communications issues need to be addressed, then a solution can be defined. Town Administrator Chambers thinks we need to let what has been defined work itself out to see if it will work. A decision is made and then the next 3 months we are reacting to each scenario. Town Administrator Chambers has concerns about things that have been done in the past and feels they are being worked on. That all needs to be worked out.

Chairman Herman indicated there is room to negotiate through the fees and the most important thing that needs to happen now is the communication chain - it works two ways. It is hard for this Board to react when we are unsure about what transpired between different people. Dave Parker expressed his frustration with the communication - he could have been briefed on it before he was hit with the bill. Bill McKinney still does not know what his fees will be, the programs will be starting in the next couple of weeks and MCAA does not know what the fees will be. Chairman Herman stated the Board of Selectman will take responsibility to make sure that the communication flow happens. Selectman Pickett asked if a donation schedule could be effective and can we get it out so that the in-kind services are defined? Chairman Herman said that would need to go back to the Recreation Commission and Kevin Tyska. Vice Chairman Daniels asked if the field bill could go out with the total fee and then have a line for a deduction for the in-kind value? Town Administrator Chambers thinks a schedule for the value of in-kind donations will never work. Each organization want to donate something different (such as softball field improvements, new dugouts, nets, etc.), they cannot be itemized, we can negotiate, everyone knows that by now, and a value needs to be attached to each one independently. Chairman Herman thinks it is incumbent on this Board to have Kevin Tyska sit with these

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two organizations and work out the fees and the value for the donations. Town Administrator Chambers agreed and said Kevin Tyska is ready to do that. Chairman Herman will contact Kevin on Tuesday and then he will get in touch with MCAA and SVBGC.

### 5. UNFINISHED BUSINESS:

**-Adoption of Proposed 2004 - 2005 Board of Selectman Meeting Schedule.** Vice Chairman Daniels moved to accept the proposed 2004-2005 Board of Selectman meeting schedule. Selectman O'Connell seconded. All were in favor.

**-Appointment of Board of Selectman Representatives to 2004 Boards, Commissions, etc.** Town Administrator Chambers explained that the School Care representative has historically been the Chairman of the Board of Selectman, but that is not a requirement. The one meeting that requires attendance is in November. Chairman Herman volunteered that she will be the representative. Vice Chairman Daniels moved to appoint Chairman Herman as the School Care representative. Selectman Mannino seconded. All were in favor.

The Board of Selectman representatives on 2004 Committees/Commissions/Boards and Organizations were agreed to as follows:

- Planning Board - Selectman O'Connell with Selectman Pickett as Alternate
- Conservation Commission - Selectman Mannino (not attend, but stay informed)
- NRPC - Chairman Herman/Selectman O'Connell
- ZBA - Vice Chairman Daniels (not attend, but stay informed)
- Personnel Committee - Selectman Mannino / Chairman Herman
- Recreation Commission - Selectman Pickett / Selectman O'Connell
- Heritage Commission - Selectman O'Connell
- School Board - Vice Chairman Daniels
- DO-IT - Selectman Mannino
- Recycling Committee - Vice Chairman Daniels
- Solid Waste Committee - Vice Chairman Daniels
- Impact Fee Committee - Selectman Mannino
- Regional Water Commission - Chairman Herman / Selectman O'Connell
- NH School Health Care Coalition - Chairman Herman
- Manifests - Selectman Mannino
- Joint Loss Management Committee - Selectman Mannino / Selectman O'Connell
- MIDC - Selectman O'Connell / Vice Chairman Daniels
- MACC Base - Chairman Herman (through August) / Selectman Pickett (backup)
- Ambulance Billing Write-Off Committee - Selectman Pickett
- PEG Access Channel - Vice Chairman Daniels / Chairman Herman (backup)
- Police Building Committee - Vice Chairman Daniels
- Alternate Fiscal Year Committee - Vice Chairman Daniels
- Ambulance Study Committee - Selectman Pickett

Vice Chairman Daniels would like to combine the Recycling and Solid Waste Committees and he will figure out if it can be combined. Vice Chairman Daniels requested that all meetings be put on the Town calendar and minutes be taken at all meetings for distribution. Town Administrator Chambers said the committees and organizations are asked to post the meetings and minutes, but she does not always get them. Vice Chairman Daniels believes there is a statutory requirement to post minutes. Chairman Herman said the Board needs to continue to notify the committees that the representatives continue to ask for minutes. Vice Chairman Daniels asked if they are given guidelines as to what the requirements are? Town Administrator Chambers said they are all told the same thing.

**-Formation of Ambulance/Fire Services Study Committee(s).** Chairman Herman asked if an ad was submitted to request volunteers for this committee? Town Administrator Chambers said it has not, and so far the Board has asked for the Facilities Committee to look into the 3 scenarios for ambulance service. At the last meeting, the Facilities Committee said they were willing to look at it, but the Board of Selectman pulled the task away from them. Since that time, the Government Study Committee said they were looking at the ambulance village district. Town Administrator Chambers is unsure where the Board of Selectman wants to go with this and who will research it. Chairman

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Herman said if there is a committee willing to take on the task, we should have them make subcommittees to break it down to minimize the amount of committees we have going, since there are now 22. Selectman O'Connell believes that there are 4 members of the Facilities Committee who have stepped forward and expressed interest in the ambulance study. Bill Parker said there are actually four people who want to participate in the ambulance privatization study - Peter, Denise, Merv and Kevin. Town Administrator Chambers knows of one other volunteer who is interested. Chairman Herman does not feel it should go with the Facilities Committee and it does not fit under the Government Committee either. This is going to need a creative group or there may need to be outside input. Selectman O'Connell said Dick Torterelli is interested and Town Administrator Chambers said Peg Seward is interested. Chairman Herman said the Board needs to establish a committee and come up with a charge. At the next meeting, the Board needs to define the charge for the committee then go forward with scheduling and advertising for any other volunteers. The focal point of this committee is on the ambulance, said Vice Chairman Daniels, but fire also needs to be looked at if a combined department is considered. Selectman Mannino asked why Rockingham sent a letter to Milford? Town Administrator Chambers responded it was probably because of the newspaper article. Town Administrator Chambers will have Dawn Griska confirm that all these people who have expressed interested are still interested.

**-Appointment of Separate Water/Sewer District Study Committee.** Town Administrator Chambers explained an advertisement is in the newspaper for volunteers for this committee and we need to come up with a charge for the committee. The volunteers have until April 30, 2004 to come forward. The warrant was pulled out and a draft charge was written as attached hereto and made a permanent part of these records.

**-Consideration of Alternate Fiscal Year.** The first meeting of this committee is April 28, 7:00 p.m. in the Board of Selectman room.

**-Lease Agreement with US Cellular.** This was sent to US Cellular on Thursday, awaiting response.

**-Status of Osgood Pond.** Town Administrator Chambers said there is nothing new to report and indicated it may be a long time before any response is received.

**-Town Wrecker Rotation Policy.** Town Administrator Chambers provided a draft, which is currently being worked on by Chief Douglas.

**-Non-Public Session - Negotiations.** Upon motion made by Selectman O'Connell and seconded by Vice Chairman Daniels, all members assented to enter into non-public session at 10:50 p.m. After discussion, a motion was made by Selectman Mannino and seconded by Vice Chairman Daniels to come out of non-public session at 11:09 p.m. No announcements were made.

### 6. NEW BUSINESS.

**-Reappointment of Commission Members.** Currently, the Recreation Commission has three members: Mary Albina, Valerie Chappell and Tim Finan. There may need to be some recruiting once some of the issues are worked out. Town Administrator Chambers would like to make sure the current commission knows the requirements. Selectman O'Connell asked if the SVBGC or the MCAA members could attend or could be voting members? Town Administrator Chambers said they are not appointed so they would not vote. Selectman Pickett asked if we can send out e-mails to various organizations looking for interested people for this commission? Vice Chairman Daniels suggested the Board also go to the schools looking for members. Selectman O'Connell is unsure if they would be interested citizens that will be appointed and vote or will they represent the organizations they are affiliated with? Vice Chairman Daniels would like to get all the organizations together and meet at the Recreation Commission meeting to decide who could be on the commission. Chairman Herman said this information has been re-hashed over and over again from year to year and it needs to be fixed. We are still spending a lot of time addressing recreation issues. One thing that should be discussed, according to Vice Chairman Daniels, is should we change the committee to just an advisory committee? If it is changed to an advisory committee, it needs to go to a vote of the town.

Selectman O'Connell moved to meet one more time with Board of Selectman and the Recreation Commission to work out some issues. Vice Chairman Daniels seconded for discussion. Town Administrator Chambers suggested it seems like a good idea but currently there are 3 members, and do you appoint new members to work out the issues or should they work out the issues, and then appoint new members? Selectman O'Connell feels people who were not involved with the default budget are people that should be utilized. It is different now and we cannot keep going back to the



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way it used to be done. We need to look at this with some new eyes. Town Administrator Chambers suggested taking the 3 existing members and use their efforts to work on that issue and be a liaison with the other groups but not appoint new members until the issues are worked out. Selectman O'Connell amended her motion to include Kevin Ty-ska to also attend that meeting. Vice Chairman Daniels seconded. All were in favor.

**-Ratification of e-mail Poll RE: Security for Town Wide Revaluation.** Vice Chairman Daniels moved to ratify the e-mail poll in which the Board agreed to accept a performance bond for the security for the town wide revaluation rather than the irrevocable letter of credit originally required. Selectman O'Connell seconded. All were in favor.

**-Request for Unpaid Leave.** Larry Anderson, WWTF, received a request for unpaid leave from an employee hired February 2004. Chairman Herman has a problem with this. The language in place now in the Teamsters contract states that during the first six months, the Town shall not grant vacation time. Also, to set a precedent by allowing this to happen is not a good idea and could be going against the contract. Vice Chairman Daniels agreed with the comments of Chairman Herman; if the Board lets this happen, then the negotiations could be affected. If we go against the labor contract we could get hit with unfair labor practices. Selectman O'Connell was concerned about the person's job being covered in his absence. Larry Anderson explained that this employee had committed to the April time at the time of hiring. Chairman Herman is concerned about going against the contract. Selectman Mannino agreed with Chairman Herman and would not feel comfortable with going against the language of the contract. It is in the Town's best interest to stick with the language. Town Administrator Chambers noted that this employee does not have paid time off available, he is requesting a leave of absence without pay. We have not seen these requests unless there was vacation pay available. During an unpaid absence, there is no pay or benefits.

Selectman Pickett has a problem with hiring a person with the understanding that he would get that week off and then tell him 3 weeks before the vacation that he cannot take it. This is not an unusual request and it was agreed to upon hiring. Selectman Pickett feels the Town is committed to the April timeframe but perhaps not the later request in July. Chairman Herman can see granting the first agreed time in April but not the July request. Town Administrator Chambers said it can be confusing for Department Heads, that the unorganized employees in the department are able to request for LOA without pay, however because the agreement was made with this person at the time of hiring it must be made clear that it was a mistake of management and that it will not happen again or set precedent for the future. Chairman Herman said this needs to be addressed from the management standpoint. Larry Anderson said he hired this person, but did not have a copy of the contract and he has a copy now and understands the limitations. Chairman Herman was not putting the error on Larry, but it needs to be addressed. Selectman Pickett moved to approve the unpaid vacation for the week in April that was agreed to in error by management. Selectman Mannino seconded for discussion. Selectman Mannino feels that under the circumstances the Town should stand by the agreement made at hiring. Town Administrator Chambers will put in a responsive memo to the appropriate people and state that it will not be done in the future. Vice Chairman Daniels is concerned about what the affect this may have in the future. He is surprised that the contract was not read at the time of hiring. Selectman Mannino agreed, but the agreement was made as a condition of hiring. But the agreement was made in violation of the contract, said Vice Chairman Daniels. Selectman Mannino said it was just a ball that got dropped.

Town Administrator Chambers indicated at the time of hiring, the employee usually has a copy of the contract. Sometimes people will request the contract, but more often people do not ask for it. Chairman Herman suggested that might be a procedure issue that needs to be addressed. An orientation program for Department Heads may be something to think about, said Town Administrator Chambers. The Town has so many fewer errors like this than it used to. The errors are getting caught before they happen. Vice Chairman Daniels asked if the legalities have been considered for this decision? Town Administrator Chambers said the advice is to document it in writing that an error was made. Selectman Pickett asked if the Union Steward can provide advice? Town Administrator Chambers would not invite that because it would be for the employee to do, not the Board of Selectman. All were in favor of the motion to accept the April vacation and deny the July vacation.

**-Emergency Communications Plan.** Selectman Mannino provided input regarding the emergency management services. This information is on the agenda for the next MACC Base meeting. No action is required.

**-Request to Increase Street Opening Permit Fees.** Bill Ruoff, DPW Director, has requested Board of Selectman consideration in raising street opening permits from \$50.00 to \$55.00, which is comparable to communities bordering Milford. Vice Chairman Daniels asked why the fees should be raised, to which Bill Ruoff responded that the costs to open streets has gone up and towns in the area are higher than in Milford. DPW has to process the paperwork and track the bond to make sure the contractor does what is supposed to be done - it is a process and the department is



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trying to recoup the cost to save taxpayer dollars. Vice Chairman Daniels said it sounds like it is being increased to generate more revenue than what is used. Bill Ruoff indicated that not many of these are done each year; only about 30 per year which would only generate another \$150 per year. The concern of Vice Chairman Daniels is that the permit will increase and then those costs will be passed on to the consumer of gas, electricity, etc. It was noted by Bill Ruoff that those companies still need to compete with other companies to stay competitive. Last year this fee was changed from \$15 to \$50 for each permit; if the Board of Selectman does not want to do this, that is okay - the department is not losing money. Selectman O'Connell moved to approve raising the permit fee to \$55. Selectman Pickett seconded. All were in favor, except Vice Chairman Daniels who was opposed.

**-Request for Approval to Increase DPW Schedule of Fees.** Bill Ruoff, DPW Director, requested the Board of Selectman to consider and approve an increase in the DPW schedule of fees for 2004. The fees have been modified to capture the value of the equipment and the cost of labor including overhead. The last time these fees were brought before the Board was in 1998/1999; although the Recycling Center fees have been changed since that time and is included in the fee schedule. Vice Chairman Daniels asked if these fees will affect the cemetery fees? Bill Ruoff responded that last fall the cemetery rates were revised and this change tonight is not for any cemetery fees. Selectman Mannino asked what the Town of Milford Specification Book is, costing \$20 each? Bill Ruoff explained it is a book of standards used by the water department for developers - the design needs to be done according to these standards. That rate will not increase with this change. Selectman Pickett asked if private contractors in Milford were compared to the Town prices? Bill Ruoff did look at that and looked at the Federal rates. The labor rates used were the actual rates with overhead added. Selectman Pickett said these rates are very light as compared to the private sector. Vice Chairman Daniels moved to approve the revised DPW Schedule of Fees. Selectman O'Connell seconded. All were in favor.

**-Approval of Holiday Hours for the Recycling Center.** Bill Ruoff, DPW Director, requested Board of Selectman approval of the 2004 Holiday schedule for the Recycling Center. Selectman Pickett asked about the half day at Christmas (eve) and New Year's (eve) and if those are regular holidays? Bill Ruoff explained that is something that is discussed later in the year by the Board of Selectman and if those days are approved, it is already in the schedule, if not they will be removed. This schedule needs to be approved now in order to let people know the hours ahead of time. Vice Chairman Daniels questioned the half days as well and said it has been done in the past, but that does not mean it will be approved this year. Bill Ruoff clarified that his memo states "if the half days are approved by the Board of Selectman." Vice Chairman Daniels moved to approve the schedule of holiday hours for the Recycling Center as presented by Bill Ruoff. Selectman Pickett seconded. All were in favor.

**-Request for Changes to Bulk Water Sales Practices & Fees.** Bill Ruoff, DPW Director, has requested Board of Selectman consideration and approval of changes to the Bulk Water Sales practices and fees for 2004. The rates for bulk water will go up from \$5.00 to \$6.00 per 1000 gallons. Vice Chairman Daniels asked if customers buy this directly from the Water Department? Bill Ruoff explained customers buy it from a hauler. Chairman Herman indicated this increase is for people who need bulk water and hire a hauler. Selectman O'Connell asked how many people outside of Milford do we sell water to? Bill Ruoff said these sales are limited to Hillsborough County. In the past, there were people buying from Milford and hauling to Massachusetts because the rates were so low. The Town has lost revenue and is now tightening up the sales to turn it around. Selectman Pickett asked how this compares to residents buying water? Bill Ruoff said it is cheaper because there is a meter charge and cost per cubic foot for water customers. Chairman Herman asked if we sell bulk to Pennichuck? Mr. Ruoff responded we do, but if there is a draught, it will not be done. Chairman Herman asked how much money was earned last year from bulk sales? Bill Ruoff said about \$20,000 - but that is not an exact figure. Last year, they only sold to Town residents. Town Administrator Chambers asked if proof of residency in Hillsborough County will be required? Bill Ruoff explained last year a letter proving residency was required and that will be required again for delivery. Vice Chairman Daniels moved to approve the change to bulk water sales practices and fees as presented by Bill Ruoff. Selectman O'Connell seconded. All were in favor.

**-Request for Approval to Purchase Two New One-Ton Cab and Chassis Trucks.** Bill Ruoff, DPW Director, has requested Board of Selectman consideration and approval for the purchase of two new 1-ton cab and chassis trucks to replace the two older 1-ton trucks. He has talked to several vendors and shopped around and decided to stay with a gas vehicle rather than diesel, which is more costly. Now the steel prices are going up so Mr. Ruoff wants to get the order in as soon as possible because prices will be going up. This was a warrant article and was approved. Vice Chairman Daniels moved to authorize the purchase of two new 1-ton class trucks to replace the older trucks. Selectman Pickett seconded. All were in favor.

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Additionally, Bill Ruoff requests Board of Selectman permission to dispose of the two older trucks as laid out in the CIP - that one truck be made into a mechanic/welding truck and the other truck be offered to the Milford School System. Selectman O'Connell moved to have the two trucks disposed of as requested by Bill Ruoff. Selectman Pickett seconded. All were in favor.

**-Request for Recognition of Half-Mast Flag Status for "Peace Officers Memorial Day."** Police Chief Douglas requested Board of Selectman permission to fly all flags at government buildings at half-mast on May 15 in recognition of fallen law enforcement officers. Vice Chairman Daniels moved to approve the request. Selectman Mannino seconded. All were in favor.

**-Request for Use of Oval.** The Advanced Lock Company, LLC has requested permission to hold a safe sale all day on the oval in May or June. Town Administrator Chambers noted that last year she was authorized to approve these request for use of the Oval, but this also falls under the Hawkers and Peddlers Ordinance because a vendor will be selling items, so this is a little different, which is why it is presented to the Board of Selectman for approval. If they are approved, it will go to Chief Douglas for a permit to be issued. Usually requests to use the Oval are for festivities or parades, not just a vendor. Vice Chairman Daniels moved to approve the request. Selectman O'Connell seconded. All were in favor.

**-Application to Place Land into Current Use (1).** Vice Chairman Daniels moved to accept the application for current use for 57 Old Brookline Road. Selectman O'Connell seconded. All were in favor.

**-Petition from Verizon and PSNH for Pole Licenses.** Verizon and PSNH have petitioned for a pole license to replace one pole on Nashua Road (74/19.5). Vice Chairman Daniels moved to approve the petition. Selectman Mannino seconded for discussion. Vice Chairman Daniels asked if this pole is already replaced and if so, shouldn't it have been approved prior to installation? Town Administrator Chambers explained this pole is replaced and she has not had a chance to contact the company about getting permission before the installation. Town Administrator Chambers will contact them as soon as time permits. All were in favor.

**-Acceptance of Gravel Tax Warrant (2).** Selectman O'Connell moved to accept the gravel tax levies in the amount of \$10.00 and for \$0.00. Vice Chairman Daniels seconded. All were in favor.

**-Acceptance of Timber Tax Warrant (2).** Selectman O'Connell moved to accept the Timber Tax Warrant in the amount of \$0.00. Selectman Mannino seconded. All were in favor.

**-Application for Elderly Exemption (1).** Town Administrator Chambers noted that the tax liens can accumulate against the property until it is sold and then the Town will recoup the amount of taxes owed. The elderly need to qualify for this exemption, which this applicant does. Vice Chairman Daniels moved to accept the elderly exemption. Selectman O'Connell seconded. All were in favor.

**-Requests for Sewer Connections Waivers (3).** Three requests for sewer connection waivers have been received and are processed annually. Vice Chairman Daniels moved to accept the waivers for the following properties:

257 Elm Street	210 Elm Street	122 Elm Street.
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Selectman Pickett seconded. All were in favor.

**-Request for Water / Sewer Abatements (4).** There were 4 requests for water/sewer abatements; three requests are from property owners whose tenants left town and are unreachable. Vice Chairman Daniels moved to grant the abatement for 2 Quarry Circle Drive only and to table the other three requests until the next Board of Selectman meeting. Selectman O'Connell seconded. All were in favor.

**-Execution of Water User Fees and Sewer Users Fees for the Month of April 2004.** Vice Chairman Daniels moved to authorize the Tax Collector to collect taxes for the month of April 2004 as follows:

Water Users	\$ 39,295.15
Sewer Users	\$ 45,484.11

Selectman Mannino seconded. All were in favor.

**7. ITEMS NOT ON THE AGENDA.**

**-Auto Registrations.** Town Administrator Chambers indicated that Milford is on the State of NH list to go on-line with auto registrations. At the next meeting, concerns and issues of the tax office will be presented. Town Administrator Chambers will ask Leen to get that information prepared in letter format.

**-Swale.** Vice-Chairman Daniels has been contacted by the Ashley's on McGettigan Road and pictures were provided to show their property after the latest rainstorms. When it rains hard, the dirt runs down to their property and the water backs up on their lawn. If the swale fills up, the dirt spreads along their lawn. Our most recent information is Wilton has no plan to pave that road. Mr. Ashley is seeking legal council as to what to do for this problem. Vice Chairman Daniels said there is an easement that the Town can go on their property to maintain the swale to keep it in working condition. Town Administrator Chambers has never seen the deed and would like to see exactly what it says. Chairman Herman does not feel the Town should be this involved with the front yard of one resident.

**-Police Details.** Chief Douglas has asked if the Board would consider raising the outside police detail rate from \$38.50 to \$40.00 per hour (with cruiser) due to the price of gasoline. Vice Chairman Daniels moved to accept the Chief's recommendation. Selectman Mannino seconded. All were in favor.

**-Police Officers.** Town Administrator Chambers indicated that Officer Frye and Officer Deware have turned in their resignations. Officer Frye would still like to be involved in the Police Building Committee and will continue working part time for the department. All members concurred that leaving Officer Frye on the committee would be acceptable.

**-FETN Program.** The Fire Chief and Ambulance Director have applied for the FETN program grant, which the Police did not apply for because it was thought that it would be for only one location in Milford. Since it was applied for, the company has notified the Police Chief the Police was a facility that had been approved by the State and they asked why the Police had not applied for this grant. Chief Douglas explained to the company that the Police Station site would be moving and the company said they will waive the cost of moving the equipment. A letter has been received stating this. Town Administrator Chambers asked if the Board of Selectman wants to have the Police Station go forward and get hooked up with this as well? Selectman Pickett believes it is a waste of money to put it in a building that we will vacate within one year, but if we don't sign up now we may not be able to get it for the new building. Selectman O'Connell moved to approve having the Police Station go forward to get on line. Vice Chairman Daniels seconded. All were in favor.

**8. INFORMATION ITEMS.**

**-Policy Regarding Employment of Relatives, Domestic Partners, etc.** There is currently a policy in the employee manual regarding employment of relatives. Selectman Pickett would like to review the policy regarding the phrase "perceived conflicts"

**9. ANNOUNCEMENTS.**

**-Next BOS Meeting.** The next regular meeting of the Board of Selectmen will be Monday, 26 April 2004, at 5:30 p.m.

There being no further business to come before this Meeting, the Board adjourned at 11:15 p.m.

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Chairman

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Vice Chairman

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